

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

----- X
Massimiliano Pincione, :

Plaintiff, :
vs. :

David Dale, :
Defendant. :
:
:
----- X CASE NO.: 1:11cv 367 AJT/IDD
David Dale

and :

SMI Hyundai Corporation Ltd. :

Counterclaim Plaintiffs :

v. :

Massimiliano Pincione :

and :

H.R.H. Prince Khaled Bin Al Waleed :

Counterclaim Defendants :
----- X

**PLAINTIFF MASSIMILIANO PINCIONE'S
OBJECTIONS TO DEFENDANT'S WITNESS AND EXHIBIT LISTS**

Plaintiff Massimiliano Pincione ("Plaintiff") provides as follows for his objections to Defendant David Dale's ("Defendant Dale") proposed witnesses at trial and exhibits:

Objections to Defendant Dale's Proposed Witnesses:

Plaintiff objects to the proposed expert witness Hartford Kittel as untimely disclosed per the Court's Scheduling Order entered in this matter.

Objections to Defendant Dale's Proposed Trial Exhibits:

Exhibit IA – witness available; hearsay; Plaintiff also reserves the right to object to portions of the testimony on the grounds of relevance (Rule 402), Rule 403, lack of foundation, lack of completeness.

Exhibit IA3 – relevance (402); hearsay; lack of foundation; authenticity.

Exhibit IA16 – relevance (Rule 402); hearsay; authenticity.

Exhibit IA17 – relevance (Rule 402); hearsay; authenticity.

Exhibit IA23 – relevance (Rule 402); authenticity; lack of foundation; hearsay.

Exhibit IA24 – relevance (Rule 402); authenticity; lack of foundation; hearsay.

Exhibit IA25 – relevance (Rule 402); authenticity; lack of foundation; hearsay.

Exhibit IB – witness available; hearsay; Plaintiff also reserves the right to object to portions of the testimony on the grounds of relevance (Rule 402); Rule 403; lack of foundation; lack of completeness.

Exhibit IB1 – D22-23, relevance (402); hearsay.

Exhibit IB4 – D390, D396-97, relevance (Rule 402), hearsay; D392, lack of completeness, relevance (Rule 402), hearsay, authenticity.

Exhibit IB7 – relevance (Rule 402); hearsay; lack of foundation; lack of completeness.

Exhibit IB9 – relevance (Rule 402); hearsay.

Exhibit IB10 – relevance (Rule 402); hearsay; authenticity; lack of foundation.

Exhibit IB11 – relevance (Rule 402); hearsay; authenticity; lack of foundation.

Exhibit IB13 – relevance (Rule 402); hearsay; lack of completeness.

Exhibit IB14 – relevance (Rule 402); lack of completeness; hearsay.

Exhibit IB16 – relevance (Rule 402); lack of completeness; hearsay; authenticity; lack of foundation.

Exhibit IB17 – relevance (Rule 402); lack of completeness; hearsay; lack of foundation.

Exhibit IB18 – relevance (Rule 402); lack of completeness; hearsay; lack of foundation.

Exhibit IB19 – relevance (Rule 402); lack of completeness; hearsay; lack of foundation.

Exhibit IB21 – authenticity; relevance (402); hearsay; lack of foundation.

Exhibit IB22 – relevance (402); hearsay.

Exhibit IB23 – relevance (402); hearsay.

Exhibit IB24 – relevance (402); hearsay.

Exhibit IB25 – relevance (402); hearsay; lack of foundation.

Exhibit IB26 – relevance (402); hearsay; lack of completeness; lack of foundation.

Exhibit IB28 – relevance (Rule 402); hearsay.

Exhibit IB29 – relevance (Rule 402); hearsay; lack of completeness; authenticity.

Exhibit IB30 – relevance (Rule 402); hearsay.

Exhibit IB31 – relevance (Rule 402); hearsay; lack of completeness; lack of foundation.

Exhibit IB32 – relevance (Rule 402); hearsay; lack of completeness; lack of foundation; authenticity.

Exhibit IB35 – relevance (Rule 402); authenticity; hearsay; lack of foundation.

Exhibit IB36 – relevance (Rule 402); hearsay.

Exhibit IB37 – relevance (Rule 402); hearsay.

Exhibit IB38 – relevance (Rule 402); hearsay; authenticity; lack of foundation.

Exhibit IB40 – relevance (Rule 402); hearsay.

Exhibit IB50 – relevance (Rule 402); hearsay.

Exhibit IB52 – relevance (Rule 402); hearsay; lack of completeness; lack of foundation.

Exhibit IB53 – relevance (Rule 402); hearsay.

Exhibit IB54 – relevance (Rule 402); hearsay.

Exhibit IB55 – D345-46, hearsay, relevance (402).

Exhibit IB56 – hearsay; relevance (Rule 402); authenticity.

Exhibit IB57 – D838-39, hearsay, relevance (Rule 402); D840-44, hearsay, relevance (Rule 402), authenticity.

Exhibit IB58 – lack of completeness; hearsay; relevance (Rule 402); authenticity.

Exhibit IB60 – relevance (Rule 402); hearsay.

Exhibit IB61 – relevance (Rule 402); hearsay.

Exhibit IB62 – relevance (Rule 402); hearsay.

Exhibit IB63 – relevance (Rule 402); hearsay.

Exhibit IB64 – relevance (Rule 402); hearsay.

Exhibit IB65 – relevance (Rule 402); hearsay.

Exhibit IB66 – relevance (Rule 402); hearsay.

Exhibit IB67 – lack of completeness; relevance (Rule 402); hearsay.

Exhibit IB68 – relevance (Rule 402); hearsay; lack of completeness.

Exhibit IB69 – relevance (Rule 402); hearsay; lack of completeness.

Exhibit IB70 – relevance (Rule 402); hearsay.

Exhibit IB71 – relevance (Rule 402); hearsay.

Exhibit IB72 – relevance (Rule 402); hearsay.

Exhibit IB73 – relevance (Rule 402); hearsay; lack of completeness.

Exhibit IB74 – relevance (Rule 402); hearsay; lack of completeness.

Exhibit IC – Plaintiff objects to this proposed expert witness as untimely disclosed per the Court's Scheduling Order in this matter. Plaintiff further objects as follows: witness available; hearsay. Plaintiff also reserves the right to object to portions of the testimony on the grounds of relevance (Rule 402); Rule 403; lack of foundation; lack of completeness.

Exhibit IC1 – expert report was untimely disclosed per the Court's Scheduling Order; hearsay; witness available; lack of completeness; relevance (Rule 402); authenticity.

Exhibit IC2 – expert was untimely disclosed per the Court's Scheduling Order; lack of foundation; relevance (Rule 402)

Exhibit IC3 – expert was untimely disclosed per the Court's Scheduling Order; lack of foundation; Plaintiff objects to 3E, F, G and H on the grounds relevance (Rule 402).

Exhibit IC4 – expert was untimely disclosed per the Court's Scheduling Order; lack of foundation; relevance (Rule 402).

Exhibit IC5 – expert was untimely disclosed per the Court's Scheduling Order; lack of foundation; relevance (Rule 402).

Exhibit IC6 – expert was untimely disclosed per the Court's Scheduling Order; lack of foundation; authenticity; also object to handwritten notes on the grounds of illegible, hearsay, and certain handwritten notes on the grounds of relevance (Rule 402).

Exhibit IC7 – expert was untimely disclosed per the Court's Scheduling Order.

Exhibit IC8 – expert was untimely disclosed per the Court's Scheduling Order; lack of foundation; Plaintiff objects to the handwritten notes on the documents on the grounds of authenticity, lack of foundation, illegible, hearsay; Plaintiff objects to Exhibits 8T and 8U on the

grounds of lack of completeness, lack of foundation.

Exhibit IC9 – expert was untimely disclosed per the Court’s Scheduling Order; lack of foundation; Plaintiff objects to the letters, communications and handwritten document on the grounds of relevance (Rule 402), hearsay, Rule 403, lack of foundation; no objection to Pincione’s expert witness disclosure; Plaintiff objects to the Counterclaim on the grounds of relevance (Rule 402), Rule 403, hearsay, the counterclaim was dismissed by the Court in this matter; Plaintiff objects to memorandum of law from the case Max Pincione v. Harry Winston Inc. on the grounds of authenticity, relevance (Rule 402), Rule 403 (exclusion on grounds of prejudice, confusion, and waste of time), lack of completeness, lack of foundation, hearsay. Plaintiff also objects to the handwritten notes on these documents on the grounds of lack of foundation, lack of completeness, relevance (402), authenticity.

Exhibit IC10 – expert was untimely disclosed per the Court’s Scheduling Order; relevance (Rule 402); lack of foundation; lack of completeness; authenticity.

Exhibit IC11 – expert was untimely disclosed per the Court’s Scheduling Order.

Exhibit ID – witness available; hearsay.

Exhibit ID6 – Plaintiff preserves its objection to Kittel on the grounds the expert was untimely disclosed per the Scheduling Order entered in this matter.

Exhibit ID7 – Plaintiff preserves its objection to Kittel on the grounds the expert was untimely disclosed per the Scheduling Order entered in this matter; Plaintiff objects to the handwritten notes on the grounds of hearsay, authenticity, lack of foundation, and lack of completeness.

Exhibit ID8 – Plaintiff objects to the handwritten notes on the grounds of hearsay, authenticity, lack of foundation, lack of completeness, relevance (Rule 402).

Exhibit ID9 – Plaintiff preserves its objection to Kittel on the grounds the expert was untimely

disclosed per the Scheduling Order entered in this matter; lack of completeness; lack of foundation; authenticity; also object to handwritten notes on the grounds of illegible, hearsay, and certain handwritten notes on the grounds of relevance (Rule 402).

Exhibit II A – hearsay; relevance (Rule 402); lack of foundation; authenticity.

Exhibit II B – relevance (Rule 402); lack of foundation; authenticity; hearsay.

Exhibit II D – hearsay; relevance (Rule 402); lack of foundation; authenticity.

Exhibit II E – hearsay; relevance (Rule 402); lack of foundation; authenticity.

Exhibit II F – hearsay; relevance (Rule 402); lack of foundation; authenticity.

Exhibit II G – hearsay; relevance (Rule 402); lack of foundation; authenticity.

Exhibit II H – 1360-62, hearsay, authenticity, lack of foundation, relevance (Rule 402).

Exhibit III – hearsay; relevance (Rule 402); lack of foundation; authenticity;

Exhibit II K – relevance (Rule 402); hearsay.

Exhibit III L – Plaintiff was unable to locate the documents described in the exhibit list as Exhibit III, and Defendant did not provide a copy of his exhibits to Plaintiff's counsel at or prior to the Final Pretrial Conference in accordance with the Scheduling Order. Therefore, Plaintiff reserves his right to object to such documents offered by Defendant at trial.

Exhibit III A – relevance (Rule 402); hearsay.

Exhibit III B – relevance (Rule 402); hearsay.

Exhibit III C – relevance (Rule 402); hearsay; lack of completeness.

Exhibit III D – relevance (Rule 402); hearsay.

Exhibit III E – relevance (Rule 402); hearsay; authenticity; lack of foundation.

Exhibit III F – relevance (Rule 402); hearsay.

Exhibit III G – relevance (Rule 402); hearsay; authenticity; lack of foundation.

Exhibit IIIH – relevance (Rule 402); hearsay; authenticity; lack of foundation.

Exhibit IIII – lack of completeness.

Exhibit IIIJ – relevance (Rule 402); hearsay; authenticity; lack of foundation.

Exhibit IIIK – relevance (Rule 402); hearsay; authenticity; lack of foundation.

Exhibit IIIIL – relevance (Rule 402); hearsay; authenticity; lack of foundation.

Exhibit IIIM – relevance (Rule 402); hearsay; authenticity; lack of foundation.

Exhibit IIIN – authenticity; memorandum not signed; relevance (402); Rule 403 (exclusion on grounds of prejudice, confusion, and waste of time); lack of completeness; lack of foundation; hearsay.

Plaintiff objects to all proposed trial exhibits by Defendant David Dale as untimely since he failed to provide a copy of the exhibits to Plaintiff before the Final Pretrial Conference per the Scheduling Order entered in this case.

Plaintiff further objects to any documents that have not been specifically delineated in Defendant's Exhibit List as untimely and reserve any and all additional objections to such documents.

Plaintiff reserves the right to object to any document offered by Defendant on the grounds of lack of foundation.

Plaintiff reserves the right to object to any document offered by Defendant because he does not know in advance the purpose for which the exhibits will be offered by Defendant, or what theory of admissibility will be advanced for each exhibit.

Plaintiff notes that he does not stipulate to any of the statements set forth in Defendant Dale's purported Statement of Undisputed Facts. Plaintiff also notes that many of the statements are also irrelevant to the claims of defamation in this matter, and that other statements are

inaccurate.

Dated: October 31, 2011

Respectfully submitted,

PCT LAW GROUP, PLLC

By: _____ /s/
Angela H. France, Esq. (VSB 46862)
1725 Duke Street
Suite 240
Alexandria, VA 22314
Phone: (703) 881-9141
Fax: (703) 972-9153 (fax)
Email: afrance@ctlg.com

Jay G. Safer, Esq. (admitted pro hac vice)
LOCKE LORD BISSELL & LIDDELL LLP
3 World Financial Center
New York, NY 10281
Phone: (212) 415-8600
Fax: (212) 303-2754
Email: jsafer@lockelord.com

Attorneys for Massimiliano Pincione

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 31, 2011, I filed the foregoing using the CM/ECF system which will send a notice of electronic filing through the Court's electronic filing system to the following:

James R. Tate, Esq.
Douglas Bywater, Esq.
Tate, Bywater & Fuller PLC
2740 Chain Bridge Road
Vienna, VA 22181
Telephone: (703) 938-5100
Facsimile: (703) 255-1097
jtate@tatebywater.com
debywater@tatebywater.com

/s/

Angela H. France, Esq., VSB #46862
PCT LAW GROUP, PLLC
1725 Duke Street
Suite 240
Alexandria, Virginia 22314
Phone: (703) 881-9141
Fax: (703) 972-9153
Email: afrance@pctlg.com